

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
: 1:08CR369-2
v. :
: 1:08CR369-2
TOMMY LEWIS BENNETT, JR. :

FACTUAL BASIS FOR GUILTY PLEA

The United States of America, by and through Anna Mills Wagoner, the United States Attorney for the Middle District of North Carolina, pursuant to Fed. R. Crim. P. 11(b)(3), hereby states the following:

If this matter were to proceed to trial, the evidence would establish that in May 2008, the Greensboro Police Department's vice/narcotics unit, assisted by the Bureau of Alcohol, Tobacco, Firearms & Explosives, developed an informant who could purchase illegal drugs from codefendant Larry Gerrard Baskerville. The first deal occurred on May 6, 2008, when the informant bought cocaine from Baskerville. The parties agreed to meet at the BP station on West Friendly Street in Greensboro, North Carolina. Codefendant Jennifer Lennon was present in the car. The informant gave Lennon \$525 in cash and Baskerville told Lennon to give the drugs to the informant. Lennon replied that she did not have it. The half-ounce of cocaine was then located in the vehicle and handed to the informant by Baskerville. Subsequent laboratory analysis determined the cocaine to consist of 11.9 grams (net weight) of cocaine base ("crack"), a Schedule II controlled substance.

Baskerville sold one ounce of cocaine to the informant again on May 14, 2008, at Amigos Restaurant on Dolly Madison Road in Greensboro. He acted alone during this deal, and was given \$950 in cash by the informant for the drugs. Laboratory analysis determined this cocaine to consist of 24 grams (net weight) of cocaine base ("crack"), a Schedule II controlled substance.

On May 19, 2008, the informant initially ordered 4 1/2 ounces of cocaine from Baskerville, but the deal ultimately only involved two ounces. Baskerville arrived at the BP station again, this time accompanied by Lennon and the defendant, Tommy Lewis Bennett, Jr., in the car. Baskerville directed the informant during the transaction. Lennon assisted by counting the money given to her (\$2,000 in cash), and Bennett handed the drugs to Baskerville from the back seat of the car, who handed it to the informant. All three were then arrested. The money was found between Baskerville's feet. Baskerville ultimately confessed to his involvement in the offenses. Prior to being searched, Lennon advised that she had another 1/4 ounce of cocaine hidden in her crotch area. She also confessed to her involvement. Laboratory analysis determined the cocaine to consist of 53.5 grams (net weight) of cocaine base ("crack"), a Schedule II controlled substance.

Baskerville and Lennon were thereafter interviewed about their involvement in the offenses. They admitted to their knowing participation in the conspiracy, and implicated the defendant as the source of the cocaine supplied to the officers during the

controlled drug transactions. During the defendant's involvement in this conspiracy, he was accountable for the conspiracy to distribute 50 grams or more of cocaine base ("crack"), a schedule II controlled substance.

This the 10th day of February, 2009.

Respectfully submitted,

ANNA MILLS WAGONER
UNITED STATES ATTORNEY

/S/ DAVID P. FOLMAR, JR.
Assistant United States Attorney
NCSB #16628
United States Attorney's Office
Middle District of North Carolina
P.O. Box 1858
Greensboro, NC 27402
Phone: 336/333-5351
E-mail: david.folmar@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA :
: :
v. : 1:08CR369-2
: :
TOMMY LEWIS BENNETT, JR. :
:

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

M. Bays Shoaf, Esq.

/S/ DAVID P. FOLMAR, JR.
Assistant United States Attorney
NCSB #16628
United States Attorney's Office
Middle District of North Carolina
P. O. Box 1858
Greensboro, NC 27402
Phone: 336/333-5351
E-mail: david.folmar@usdoj.gov